

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY GAMMAGE,

Plaintiff,

Civil No. 08-12432
Hon. John Feikens

v.

CITY OF DETROIT,

Defendant.

**ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS AND
DISMISSING CASE FOR LACK OF JURISDICTION**

Plaintiff Anthony Gammage filed this case against the City of Detroit along with a motion to proceed *In Forma Pauperis*. For the reasons set forth below, I GRANT Gammage's motion to proceed *In Forma Pauperis* and DISMISS this case for lack of jurisdiction.

On June 6, 2008, Anthony Gammage filed this suit against the City of Detroit alleging that while walking in the City he tripped on a raised piece of concrete and fell to the ground injuring his shoulder, toe and knee. Gammage claims that the City's negligence caused his injuries. Along with his complaint, Gammage filed a motion to proceed *In Forma Pauperis*.

Under the statute governing proceedings *In Forma Pauperis*, a federal court may waive the fee for filing suit for individuals who provide evidence that they are unable to pay. 28 U.S.C. § 1915 (a)(1). Because Gammage has provided the necessary information, I GRANT his motion and allow him to proceed with his case without paying the filing fee.

United States District Courts are courts of limited jurisdiction. Exxon Mobil Corp. v.

Allapattah Services, Inc., 545 U.S. 546, 552, 125 S.Ct. 2611 (2005). Their original jurisdiction is limited to cases that present a federal question or involve diverse parties and a matter in controversy exceeding \$75,000. See Id. If a case that is filed in federal district court does not fall into one of those two categories, the court must dismiss the case. Federal Rule of Civil Procedure 13(h)(i).

In his complaint, Gammage brings a negligence claim against the City of Detroit. Gammage's suit does not present a federal question nor meet the requirements necessary for this Court to exercise diversity jurisdiction. Because this Court does not have jurisdiction over Gammage's suit, I DISMISS his case.

IT IS SO ORDERED.

Date: June 19, 2008

s/John Feikens
United States District Judge

Proof of Service

I hereby certify that the foregoing order was served on the attorneys/parties of record on June 19, 2008, by U.S. first class mail or electronic means.

s/Carol Cohron
Case Manager